IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.512 OF 2005

Maharashtra Industrial Development
Corporation. ... Appellant.

Versus.

Sudarshan Synthetics (Bom) Pvt.Ltd. ... Respondent.

Ms.Deepa Chavan i/by M/s.Little & Co. for the Appellant.

Shri K.V.Aiyar for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 25th April, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. The learned Counsel appearing for the Appellant stated that certain important documents which go to the root of the matter were not produced on record by the Appellant in the trial Court. She pointed out that the impugned order of temporary injunction is operating from 2nd November 2001 and the Civil Suit is still pending. The learned Counsel therefore stated that the Appellants may be permitted to produce on record additional documents, and hearing of the suit itself can be expedited and the learned trial Judge may be directed to hear and dispose of the suit in a time bound programme. The learned Counsel for the Respondent has no objection for adopting this course.

2. The order of temporary injunction is operating

against the Respondent No.1 from 2nd September 2001. In view of this position, the suggestion made by the learned Counsel for the Appellant is fair and reasonable.

3. Hence the following order is passed:

(i) Hearing of the Special Civil Suit No.130 of 2001 is expedited and the trial Court will decide the same as expeditiously as possible and in any event or before 31st January 2006.

(ii) The Appellant is at liberty to produce additional documents on record of the suit by making appropriate application before the trial Court.

(iii) The order of temporary injunction granted by the trial Court is confirmed.

(iv) It is made clear that the findings which are recorded by the learned trial Judge in the impugned Judgment and Order are only tentative findings for the limited purpose of considering the Application for interim relief. The learned trial Judge will decide the suit on its own merits without

being influenced by the observations made in the impugned Judgment and order.

(v) The Appeal from Order is disposed of in the above terms with no order as to costs.

(vi) The parties and the trial Court to act on an authenticated copy of this order.

Judge.